

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

Case No. C70-9213RSM

ORDER DENYING MOTION TO
INTERVENE

This matter comes before the Court on a Motion to Intervene filed by nonparty Fish Northwest on October 5, 2020. Dkt. #22285.

Fish Northwest is a non-profit organization representing individual salmon harvesters. Its purpose is to “ensure responsible fair, and equal fishing with the treaty tribes,” which it says is “being significantly harmed by the Washington State Department of Fish and Wildlife’s failure to ensure equitable sharing [of] the harvestable salmon resource per the ‘Boldt Decision’ set forth in *United States v. Washington*.” Dkt. #22289 (“Rosson Decl.”), at ¶ 4. Dissatisfied with recent salmon fishing seasons provided by Washington State’s regulations, FNW seeks to become a party to this case. Once a party, FNW intends to invoke the Court’s continuing jurisdiction and initiate a new subproceeding challenging the current parties’ salmon

1 management and allocation activities, with the stated objective of ensuring that “non-treaty
2 fishers of Washington are ... allowed to harvest their fair share of the salmon and steelhead
3 resources of Washington.” Dkt. #22285 at 11.

4 The State of Washington argues this Motion must be denied under the law of the case.
5 Dkt. #22308 at 1. The Court agrees. This Court has repeatedly concluded that individual
6 fishermen do not have a legal interest in the fish and shellfish they desire to harvest, and thus
7 have no ability to intervene. *See, e.g.*, Dkts. #13700 and #15029. Management of fisheries that
8 are the subject of *United States v. Washington* lies with the co-managers—the tribes and the
9 State. The facts presented in this Motion to intervene do not alter the Court’s prior analysis.
10 The Court need not restate legal arguments from its prior Orders on this subject.
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12 Accordingly, having considered the briefing of the parties and the remainder of the
13 record, the Court hereby finds and ORDERS that the Motion to Intervene filed by nonparty
14 Fish Northwest on October 5, 2020, Dkt. #22285, is DENIED.
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18 DATED this 4th day of October, 2022.

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22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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